

chell, then reconveys the residue to the said Henrietta A. Bedford, her heirs and assigns.

The complainants also filed a transcript of the proceedings upon a bill filed in this Court by the present complainants, on the 21st of May, 1838, against Richard B. Mitchell, to set aside certain conveyances made by the complainant, Maria, among which was the release by her to him as guardian, referred to in the answers of the defendants. These proceedings resulted in a decree passed by the Chancellor (*Bland*), on the 1st of July, 1840, declaring the conveyance fraudulent, and confirming the Auditor's account, which set aside the release referred to. To this record the defendants excepted, upon the ground that they were not parties to the suit, and the decree was therefore not binding upon them, and that they being parties in interest, the omission to make them parties to that suit was a fraud.

The *defendants* on their part proved that Richard B. Mitchell was removed from the guardianship of his children, Elizabeth and Maria, by an order of the Orphans' Court, passed on the 29th of June, 1825, and John Hillen appointed guardian in his place on the 2d of July following. That Richard B. Mitchell was indicted in October, 1825, for marrying his stepdaughter, the said Henrietta A. Bedford, and was subsequently convicted and fined under this indictment. He then offered the following release, executed by the complainant, Maria, before a justice of the peace, on the 12th of March, 1834, "Know all men by these presents, that I, Maria Mitchell, one of the heirs and legal representatives of Daniel Deady, deceased, have this day received from Richard B. Mitchell, my late guardian, possession of the following property and cash, viz. :

"Possession of one-fifth of one-sixth of	
sundry leasehold estate, . . . . .	\$2,550 00
Also one-fifth of one-sixth of same, . . . . .	330 13
And in cash, . . . . .	11,711 14
<hr/>	
Making in the whole the amount of, . . . . .	\$14,891 14